



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicants:** Elfi Biedermann et al.                      **Examiner:** Brenda Libby Coleman  
**Serial No:** 09/596,086                      **Art Unit:** 1624  
**Filed:** June 16, 2000                      **Docket:** 19711  
**For:** **ALKYL-SUBSTITUTED  
PYRIDYLALKANE,  
ALKENE AND ALKINE  
CARBOXAMIDES  
USEFUL AS CYTOSTATIC AND  
IMMUNOSUPPRESSIVE AGENTS**                      **Dated:** November 13, 2006

**Confirmation No: 3172**

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER**

Sir:

Astellas Pharma GmbH, a corporation of Germany, having a principal place of business at Neumarkter Str. 61, Munich Germany, and owners of the entire right, title and interest in the above-identified application, as evidenced by the documents recorded at Reel 009932/0544, 018109/0863, 018120/0097, 018109/0084, 018109/0917, 018120/0102 and 018120/0108, hereby disclaims the terminal portion of any patent granted on the above identified application which would extend beyond the expiration dates of the full statutory term defined in 35 U.S.C. §§154-156 and 173 of the commonly owned U.S. Patent No. 6,506,572 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to the patent shall be the same as the legal title to said U.S. Patent

11/16/2006 SSESHE1 00000009 09596086

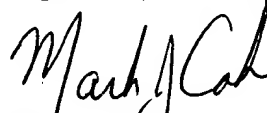
02 FC:1814

130.00 DP

No. 6,506,572, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assigns.

In making the above disclaimer, Astellas Pharma GmbH does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of the patent forming the basis of the double patenting rejection, namely, U.S. Patent No. 6,056,572, as presently shortened by any terminal disclaimer, in the event that it later; expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above. Enclosed is a check in the amount of \$130.00. Any additional charges may be charged to Deposit Account No. 19-1013/SSMP. A duplicate copy of this submission is enclosed.

Respectfully submitted,



Mark J. Cohen  
Registration No. 32,211

SCULLY, SCOTT, MURPHY & PRESSER, P.C.  
400 Garden City Plaza – Suite 300  
Garden City, NY 11530  
(516) 742-4343  
MJC:ahs